HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.20059 of 2006

Date : 25-9-2006

Between:

Nagabandi Kedareshwar .. Petitioner

And

The Commissioner,
Warangal Municipal Corporation,
Warangal and others ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.20059 of 2006

ORDER:

Heard both the Counsel.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents in trying to demolish the petitioner house bearing No.8/126 (old), 8-2-110 (new), Chowrashta, Warangal without issuing any notice or without initiating any proceedings either under Land Acquisition Act or any other Act as illegal, arbitrary, unconstitutional besides being violative of procedure established under Law and violative of procedure as contemplated under Section 146 and 147 of Hyderabad Municipal Corporation Act and to pass such other suitable orders.

It is stated that the petitioner is the absolute owner and possessor of house property bearing H.No.8-2-110 (8/126 old) situate at Chowrastha Warangal and he acquired the same by inheritance. The said property is consisting of ground, first and second floors in an extent of about 45 sq. yards. It is further stated that the father of the petitioner obtained permission from the then Municipality for construction of ground, first and second floors and since then they were in possession over the house building property. It is further stated that in the partition the house

bearing No.8-2-110 was allotted to the share of the petitioner and ever since the partition the petitioner is in possession of the property. The suit instituted by the petitioner against the Municipality i.e., O.S.No.588/84 on the file of II Additional District Munsif, Warangal which resulted in a decree also had been referred to. It is also stated that the respondents-authorities proposed to improve the Warangal Chowrastha junction and in that connection the respondents-authorities had visited the petitioner's property on 23-9-2006 and marked on both sides of the property i.e., Northern side and Eastern side and several other details had been narrated.

It is needless to say that the respondents are bound to follow the due process of law before taking up the demolition activity. In view of the same, the Writ Petition is disposed of with a direction to the respondents not to resort to any demolition activity of the subject matter of the Writ Petition unless and until they follow the due process of Law as per Hyderabad Municipal Corporation Act, 1955. No costs.

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Justice P.S. Narayana

Date : 25-9-2006

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